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11 LOUIS VUITTON MALLETIER, S.A.

12 THE UNITED STATES DISTRICT COURT

13 FOR THE DISTRICT OF NEVADA

14 LOUIS VUITTON MALLETIER, S.A., ) Case No. 2:11-cv-00738-PMP-RJJ  
15 a foreign business entity, )  
16 Plaintiff, )  
17 v. )  
18 THE PARTNERSHIPS and )  
UNINCORPORATED ASSOCIATIONS )  
IDENTIFIED ON SCHEDULE "A" and )  
DOES 1-1000, )  
19 )  
20 Defendants. )  
21 )  
22 )

**[REDACTED] ORDER GRANTING  
PLAINTIFF'S APPLICATION FOR  
ENTRY OF PRELIMINARY  
INJUNCTION**

23 THIS MATTER is before the Court on Plaintiff's Ex Parte Application for Entry of a  
24 Temporary Restraining Order and Preliminary Injunction (the "Application for Preliminary  
25 Injunction") (#5), and upon the Preliminary Injunction Hearing held on June 28, 2011. The Court  
26 has carefully reviewed said Motion, the entire court file and is otherwise fully advised in the  
27 premises.

1 By the instant Application (#5), Plaintiff Louis Vuitton Malletier, S.A. ("Louis Vuitton"),  
 2 moves for entry of a preliminary injunction against Defendants, The Partnerships and  
 3 Unincorporated Associations identified on Schedule "A" hereto (collectively "Defendants") for  
 4 alleged violations of the Lanham Act, 15 U.S.C. §§ 1114, and 1125(a) and (d).

5 The Court convened the hearing on June 28, 2011, at which only counsel for Plaintiff was  
 6 present and available to present evidence supporting the Application for Preliminary Injunction (#5).  
 7 Defendants as identified on the attached Schedule "A" have not responded to the Application for  
 8 Preliminary Injunction, nor made any filing in this case, nor have those Defendants appeared in this  
 9 matter either individually or through counsel. Because Plaintiff has satisfied the requirements for the  
 10 issuance of a preliminary injunction, the Court will grant Plaintiff's Application for Preliminary  
 11 Injunction (#5).

12 **I. Factual and Procedural Background**

13 On May 13, 2011, the Court entered a temporary restraining order on the following facts from  
 14 Plaintiff's Complaint (#1), *Ex Parte* Application for Entry of a Temporary Restraining Order and  
 15 Preliminary Injunction (#5), and supporting evidentiary submissions

16 Louis Vuitton is a foreign business entity organized under the laws of the Republic of France  
 17 with its principal of business in Paris, France. (Compl. ¶ 2.) Louis Vuitton is engaged in the  
 18 manufacture, promotion, distribution, and sale in interstate commerce, including within this Judicial  
 19 District, of high quality products under Louis Vuitton's trademarks. (Declaration of Nikolay  
 20 Livadkin in Support of Plaintiff's *Ex Parte* Application for Entry of Temporary Restraining Order  
 21 and Preliminary Injunction ["Livadkin Decl."] ¶¶ 4-5.)

22 Louis Vuitton is, and at all times relevant hereto has been, the owner of all rights in and to  
 23 the following Federally registered trademarks:

<u>Trademark</u>	<u>Registration No.</u>	<u>Registration Date</u>
■	0,297,594	September 20, 1932
LOUIS VUITTON	1,045,932	August 10, 1976
LV	1,519,828	January 10, 1989

1		1,938,808	November 28, 1995
2	LOUIS VUITTON	1,990,760	August 6, 1996
3		2,177,828	August 4, 1998
4		2,181,753	August 18, 1998
5		2,361,695	June 27, 2000
6	 LOUIS VUITTON PARIS	2,378,388	August 22, 2000
7		2,399,161	October 31, 2000
8		2,421,618	January 16, 2001
9		2,773,107	October 14, 2003
10		3,023,930	December 6, 2005
11		3,051,235	January 24, 2006

(the “Louis Vuitton Marks”) which are registered in International Classes 9, 14, 18, and 25, and are used in connection with the manufacture and distribution of, among other things, high quality handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry. (Livadkin Decl. ¶ 4. *See also* United States Trademark Registrations of the Louis Vuitton Marks at issue [“Louis Vuitton Trademark Registrations”] attached as Exhibit A to the Livadkin Decl.)

Defendants have advertised, offered for sale, and/or sold at least handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry, bearing what Plaintiff has determined to be counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Livadkin Decl. ¶¶ 9-15; Declaration of Brandon Tanori in Support of Plaintiff’s *Ex Parte* Application for Entry of Temporary Restraining Order and Preliminary Injunction [“Tanori Decl.”] ¶ 4.) Defendants are not now, nor have they ever been, authorized or licensed to use, reproduce, or make counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks. (Livadkin Decl. ¶ 9.)

Plaintiff retained Brandon Tanori (“Tanori”) of Investigative Consultants to investigate suspected sales of counterfeit Louis Vuitton branded products by Defendants. (Livadkin Decl. ¶ 10; Tanori Decl. ¶ 3.) Between February 16, 2011 and February 25, 2011, Tanori accessed the Internet websites operating under the domain names honey-replicas.net, louis-vuitton-replicas.com,

louisvuittonsale-shop.com, replica2louisvuitton.com, replica4lv.com, and thereplicabag.com, and placed orders for the purchase of Louis Vuitton branded wallets. (Tanori Decl. ¶ 4 and Composite Exhibit A attached thereto.) Tanori's purchases were processed entirely online, which included providing shipping and billing information, payment, and confirmation of his orders. (Tanori Decl. ¶ 4 and Composite Exhibit A attached thereto.)

Thereafter, a representative of Louis Vuitton, Nikolay Livadkin, reviewed and visually inspected the web page listings, including images, for each of the Louis Vuitton branded goods purchased by Tanori and determined the items were non-genuine Louis Vuitton products. (Livadkin Decl. ¶¶ 11-12.) Additionally, Livadkin reviewed and visually inspected the items bearing the Louis Vuitton Marks offered for sale via the Internet websites operating under the partnership and/or business association names identified on Schedule "A" hereto (the "Subject Domain Names") and determined the products were non-genuine Louis Vuitton products. (Livadkin Decl. ¶ 12 and Composite Exhibit B attached thereto, relevant web page captures from Defendants' Internet websites operating under the Subject Domain Names displaying the Louis Vuitton branded items offered for sale.)

On May 9, 2011, Plaintiff filed its Complaint (#1) against Defendants for trademark counterfeiting and infringement, false designation of origin, and cyberpiracy. On May 12, 2011, Plaintiff filed its *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction (#5). On May 13, 2011, the Court issued an Order Granting Plaintiff's *Ex Parte* Application for a Temporary Restraining Order and temporarily restrained Defendants from infringing the Louis Vuitton Marks at issue (#14). Proofs of Service confirming service via e-mail and publication on Defendants and compliance with the Court's May 13, 2011 Order were filed on May 18, 2011, May 26, 2011 and June 24, 2011, certifying service of the Court's May 13, 2011 Order and Plaintiff's *Ex Parte* Application for Entry of a Temporary Restraining Order and Preliminary Injunction and supporting papers. (#'s 22, 23, 30, and 40).

## **II. Conclusions of Law**

The declarations and supporting evidentiary submissions Plaintiff submitted in support of its Application for Preliminary Injunction support the following conclusions of law:

A. Plaintiff has a very strong probability of proving at trial that consumers are likely to be confused by Defendants' advertisement, promotion, sale, offer for sale, and/or distribution of handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry, bearing counterfeits, reproductions, and/or colorable imitations of the Louis Vuitton Marks, and that the products Defendants are selling are copies of Plaintiff's products that bear copies of the Louis Vuitton Marks on handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry.

B. Because of the infringement of the Louis Vuitton Marks, Plaintiff is likely to suffer immediate and irreparable injury if a preliminary injunction is not granted. It clearly appears from the following specific facts, as set forth in Plaintiff's Complaint, Application for Preliminary Injunction, and accompanying declarations on file, that immediate and irreparable loss, damage, and injury will result to Plaintiff and to consumers because it is more likely true than not that:

1. Defendants appear to be operating Internet business operations which promote, advertise, offer for sale, and sell at least handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry bearing counterfeit and infringing trademarks in violation of Plaintiff's rights;

2. Plaintiff has well-founded fears that more counterfeit and infringing handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry bearing Plaintiff's trademarks will appear in the marketplace; that consumers may be misled, confused, and disappointed by the quality of these products; and that Plaintiff may suffer loss of sales for its genuine products;

3. Plaintiff has well-founded fears that unless the injunction is granted, Defendants can easily and quickly transfer the registrations for many of the Subject Domain Names, or modify registration data and content, change hosts, and redirect traffic to other websites, thereby thwarting Plaintiff's ability to obtain meaningful relief;

4. The balance of potential harm to Defendants in restraining their trading in counterfeit and infringing branded goods if a preliminary injunction is issued is far outweighed by the potential harm to Plaintiff, its reputation and goodwill as a manufacturer of high quality handbags, wallets, luggage, shoes, belts, scarves, sunglasses, watches, and jewelry, if such relief is not issued; and

5. The public interest favors issuance of the preliminary injunction in order to protect Plaintiff's trademark interests and the public from being defrauded by the palming off of counterfeit goods as Plaintiff's genuine goods.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiff's *Ex Parte* Application for Entry of a Preliminary Injunction (#5) hereby is **GRANTED** as follows:

(1) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order are hereby restrained and enjoined, pending termination of this action:

(a) From manufacturing, importing, advertising, promoting, offering to sell, selling, distributing, or transferring any products bearing the Louis Vuitton Marks, or any confusingly similar trademarks, other than those actually manufactured or distributed by Plaintiff; and

(b) From secreting, concealing, destroying, selling off, transferring, or otherwise disposing of: (i) any products, not manufactured or distributed by Plaintiff, bearing the Louis Vuitton Marks, or any confusingly similar trademarks; or (ii) any evidence relating to the manufacture, importation, sale, offer for sale, distribution, or transfer of any products bearing the Louis Vuitton Marks, or any confusingly similar trademarks.

(2) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and all persons in active concert or participation with them having notice of this Order shall, until the conclusion of this action, discontinue the use of the Louis Vuitton Marks or any confusingly similar

1 trademarks, on or in connection with all Internet websites owned and operated, or controlled by them  
2 including the Internet websites operating under the Subject Domain Names;

3 (3) Defendants, their officers, directors, employees, agents, subsidiaries, distributors, and  
4 all persons in active concert or participation with Defendants having notice of this Order shall, until  
5 the conclusion of this action, discontinue the use of the Louis Vuitton Marks, or any confusingly  
6 similar trademarks within domain name extensions, metatags or other markers within website source  
7 code, from use on any webpage (including as the title of any web page), any advertising links to  
8 other websites, from search engines' databases or cache memory, and any other form of use of such  
9 terms which is visible to a computer user or serves to direct computer searches to websites registered  
10 by, owned, or operated by Defendants, including the Internet websites operating under the Subject  
11 Domain Names;

12 (4) Defendants shall not transfer ownership of the Subject Domain Names during the  
13 pendency of this Action, or until further Order of the Court;

14 (5) The domain name Registrars for the Subject Domain Names are directed, to the  
15 extend it is not already done, to transfer to Plaintiff's counsel, for deposit with this Court, domain  
16 name certificates for the Subject Domain Names;

17 (6) The Registrars and the top-level domain (TLD) Registries, their agents and Registry  
18 Service Providers, and any applicable Administrators of registry services, for the Subject Domain  
19 Names, upon receipt of this Preliminary Injunction shall, to the extent it is not already done, change  
20 or assist in changing, the Registrar of record for the Subject Domain Names to a holding account  
21 with the United States based Registrar, GoDaddy.com, Inc. GoDaddy.com, Inc. shall hold and/or  
22 continue to hold the Subject Domain Names in trust for the Court during the pendency of this action.  
23 Additionally, GoDaddy.com, Inc., upon receipt of this Order, shall, to the extent not already done,  
24 immediately update and/or not modify the Domain Name System ("DNS") data it maintains for the  
25 Subject Domain Names, which links the domain names to the IP addresses where their associated  
26 websites are hosted, from NS1.MEDIATEMPLE.NET and NS2.MEDIATEMPLE.NET, which  
27 currently causes the domain names to resolve to the website where a copy of the Complaint,  
28

1 Summons, and Orders and other documents on file in this action are displayed. Alternatively,  
2 GoDaddy.com, Inc. may, to the extent not already done, institute and/or maintain a domain name  
3 forwarding which will automatically redirect any visitor to the Subject Domain Names to the  
4 following Uniform Resource Locator ("URL") <http://servingnotice.com/ofn/index.html> whereon a  
5 copy of the Complaint, Summons, and Orders and other documents on file in this action are  
6 displayed. The Subject Domain Names shall be maintained on Lock status, preventing the  
7 modification or deletion of the domains by the registrar or Defendants;

8 (7) Plaintiff may continue to enter the Subject Domain Names into Google's Webmaster  
9 Tools and cancel any redirection of the domains that have been entered there by Defendants which  
10 redirect traffic to the counterfeit operations to a new domain name and thereby evade the provisions  
11 of this Order;

12 (8) Defendants shall continue to preserve copies of all their computer files relating to the  
13 use of any of the Subject Domain Names and shall continue to take all steps necessary to retrieve and  
14 preserve computer files relating to the use of any of the Subject Domain Names and that may have  
15 been deleted before the entry of this Order;

16 (9) Plaintiff shall maintain its bond in the amount of Twenty-Thousand Dollars and Zero  
17 Cents (\$20,000.00), as payment of damages to which Defendants may be entitled for a wrongful  
18 injunction or restraint, during the pendency of this action, or until further Order of the Court;

19 (10) This Preliminary Injunction shall remain in effect during the pendency of this action,  
20 or until such further date as set by the Court or stipulated to by the parties;

21 (11) This Preliminary Injunction shall apply to the Subject Domain Names identified on  
22 the attached Schedule "A," and any other domain names properly brought to the Court's attention  
23 and verified by sworn affidavit, to wrongfully include one or more of the Louis Vuitton Marks or to  
24 be used by Defendants for the purpose of counterfeiting the Louis Vuitton Marks at issue in this

1 action and/or unfairly competing with Louis Vuitton in connection with search engine results pages.

2 IT IS SO ORDERED.

3 DATED: 6/28/2011

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PHILIP M. PRO  
UNITED STATES DISTRICT JUDGE



**SCHEDULE A**  
**THE PARTNERSHIPS and UNINCORPORATED ASSOCIATIONS**

2	Defendant 1:	1854louisvuitton.com
3	Defendant 2:	<i>Dismissed</i>
4	Defendant 3:	<i>Dismissed</i>
5	Defendant 4:	3areplicawatch.com
6	Defendant 5:	7starplanet.com
7	Defendant 6:	86handbags.com
8	Defendant 7:	960watch.com
9	Defendant 8:	abag2u.com
10	Defendant 9:	acereplica.com
11	Defendant 10:	amazing-bags.com
12	Defendant 11:	<i>Dismissed</i>
13	Defendant 12:	bagreplicator.com
14	Defendant 13:	bagsfactory.net
15	Defendant 14:	bagspart.com
16	Defendant 15:	<i>Dismissed</i>
17	Defendant 16:	bestmirrorbrands.com
18	Defendant 17:	best-replica-watch.com
19	Defendant 18:	best-replica-watches.com
20	Defendant 19:	<i>Dismissed</i>
21	Defendant 20:	bipurse.com
22	Defendant 21:	brandkeys.net
23	Defendant 22:	buyawatches.com
24	Defendant 23:	buycheapluxury.com
25	Defendant 24:	buyreplicahandbags.info
26	Defendant 25:	buysns.com
27	Defendant 26:	cadudu.com
28	Defendant 27:	chinese-replica.net
29	Defendant 28:	chinese-replicas.com
30	Defendant 29:	<i>Dismissed</i>
31	Defendant 30:	<i>Dismissed</i>
32	Defendant 31:	countbags.com
33	Defendant 32:	dedoro.com
34	Defendant 33:	<i>Dismissed</i>
35	Defendant 34:	designer-replicahandbags.com
36	Defendant 35:	discountbagsoutlet.com
37	Defendant 36:	<i>Dismissed</i>
38	Defendant 37:	eluxuryking.com
39	Defendant 38:	eluxurys-mart.net
40	Defendant 39:	eluxuryxp.com
41	Defendant 40:	eshop4bags.com
42	Defendant 41:	etopbagss.com
43	Defendant 42:	exquisitebag.com
44	Defendant 43:	<i>Dismissed</i>
45	Defendant 44:	fakehandbagshome.com

1      Defendant 45: fashionbagzoom.com a/k/a vuittonworld.com  
2      Defendant 46: fashionboutiqueshop.com  
3      Defendant 47: fashionladybag.com  
4      Defendant 48: fashion-replica-bags.com  
5      Defendant 49: ffchloe.com  
6      Defendant 50: forevercbs.com  
7      Defendant 51: galaxysahandbags.com  
8      Defendant 52: goodluxuryshop.com  
9      Defendant 53: gooooodbag.com  
10     Defendant 54: goto-watches.com  
11     Defendant 55: grabshandbags.com  
12     Defendant 56: groundmart.com  
13     Defendant 57: handbag20.com  
14     Defendant 58: handbag4s.com  
15     Defendant 59: handbagforever.com  
16     Defendant 60: handbagsbeauty.com  
17     Defendant 61: handbagsidol.com  
18     Defendant 62: handbagsmama.net  
19     Defendant 63: *Dismissed*  
20     Defendant 64: handbags-sales.com  
21     Defendant 65: handbagswin.com  
22     Defendant 66: *Dismissed*  
23     Defendant 67: haoreplica.com  
24     Defendant 68: herebagss.org  
25     Defendant 69: hereisbag.com  
26     Defendant 70: *Dismissed*  
27     Defendant 71: highwaywatches.com  
28     Defendant 72: *Dismissed*  
1      Defendant 73: honey-replicas.net a/k/a honey-replicas.co  
2      Defendant 74: hot-louisvuitton.com  
3      Defendant 75: huebags.com  
4      Defendant 76: *Dismissed*  
5      Defendant 77: irepical.net  
6      Defendant 78: itisdesigners.com  
7      Defendant 79: itisreplicas.com  
8      Defendant 80: jajashopping.com  
9      Defendant 81: *Dismissed*  
10     Defendant 82: knockoff-bags.com  
11     Defendant 83: *Dismissed*  
12     Defendant 84: *Dismissed*  
13     Defendant 85: louisvuitton4bag.com a/k/a eluxury4all.com  
14     Defendant 86: louisvuittonbrandbag.com  
15     Defendant 87: louisvuittonbrandbags.com  
16     Defendant 88: louisvuittonhandbagsshop.com  
17     Defendant 89: louisvuittonoutletonline.net  
18     Defendant 90: louisvuitton-outlet-stores.com a/k/a louis-vuitton-outlet-stores.net  
19     Defendant 91: *Dismissed*

1      Defendant 92: louis-vuitton-replicas.com  
2      Defendant 93: louisvuittonsale-shop.com  
3      Defendant 94: *Dismissed*  
4      Defendant 95: luxury-estore.com  
5      Defendant 96: luxurymirrorbrands.com  
6      Defendant 97: lv2get.com  
7      Defendant 98: lvbags.cc  
8      Defendant 99: lvoutletsale.com a/k/a e-fashionshopping.com and luxury-estore.com  
9      Defendant 100: lvuksale.com  
10     Defendant 101: memwatches.com  
11     Defendant 102: mirrorbrands.com  
12     Defendant 103: mobigarden.com  
13     Defendant 104: *Dismissed*  
14     Defendant 105: mychanelhandbags.com  
15     Defendant 106: mylqlife.com  
16     Defendant 107: myshopwww.com  
17     Defendant 108: newbagonsale.com a/k/a newbagpurse.com  
18     Defendant 109: newlouisvuitton.com  
19     Defendant 110: *Dismissed*  
20     Defendant 111: omegarecall.com  
21     Defendant 112: onebags.com  
22     Defendant 113: orderluxurybag.com a/k/a vuittonworld.com  
23     Defendant 114: *Dismissed*  
24     Defendant 115: pop-handbags.com  
25     Defendant 116: popreplicas.com  
26     Defendant 117: *Dismissed*  
27     Defendant 118: pop-watches.com  
28     Defendant 119: poshmoda.com  
29     Defendant 120: *Dismissed*  
30     Defendant 121: purereplicabags.com  
31     Defendant 122: *Dismissed*  
32     Defendant 123: *Dismissed*  
33     Defendant 124: replica2louisvuitton.com  
34     Defendant 125: replica4lv.com  
35     Defendant 126: replica4lrbags.com  
36     Defendant 127: replicabaghome.com  
37     Defendant 128: *Dismissed*  
38     Defendant 129: *Dismissed*  
39     Defendant 130: replicahandbagclub.com  
40     Defendant 131: replicahandbags4.com  
41     Defendant 132: replicahandbagsale-online.com  
42     Defendant 133: replicahandbagsbox.com  
43     Defendant 134: replicahandbagspro.com  
44     Defendant 135: *Dismissed*  
45     Defendant 136: replica-louis.com a/k/a lvhandbagsol.com  
46     Defendant 137: replicaok.net  
47     Defendant 138: *Dismissed*

1      Defendant 139: *Dismissed*  
2      Defendant 140: replica-watch.co  
3      Defendant 141: replicawatch-uk.com  
4      Defendant 142: replicawell.com  
5      Defendant 143: *Dismissed*  
6      Defendant 144: salelouisvuitton.com  
7      Defendant 145: salelouisvuittonbags.com  
8      Defendant 146: seasonseshandbags.com  
9      Defendant 147: seasonsehandbags.com  
10     Defendant 148: sell-brands.com  
11     Defendant 149: sell-replica.com  
12     Defendant 150: shayes.com  
13     Defendant 151: shoplouisvuittonreplica.com  
14     Defendant 152: shopping-eluxury.com  
15     Defendant 153: shopyep.com  
16     Defendant 154: *Dismissed*  
17     Defendant 155: spotbags.net a/k/a pursevalley.com  
18     Defendant 156: *Dismissed*  
19     Defendant 157: *Dismissed*  
20     Defendant 158: swissbestwatch.com  
21     Defendant 159: swissmirrorwatch.com  
22     Defendant 160: thehandbags.us  
23     Defendant 161: *Dismissed*  
24     Defendant 162: *Dismissed*  
25     Defendant 163: thewatch88.com  
26     Defendant 164: *Dismissed*  
27     Defendant 165: *Dismissed*  
28     Defendant 166: toshopbag.com  
29     Defendant 167: ugglvgucci.com  
30     Defendant 168: uuhandbags.com  
31     Defendant 169: *Dismissed*  
32     Defendant 170: *Dismissed*  
33     Defendant 171: walletsky.com  
34     Defendant 172: watch126.com  
35     Defendant 173: watchbrandhome.com  
36     Defendant 174: watchesbit.com  
37     Defendant 175: watchesbrand.net  
38     Defendant 176: watchvipshop.com  
39     Defendant 177: *Dismissed*  
40     Defendant 178: webbags.org  
41     Defendant 179: *Dismissed*  
42     Defendant 180: *Dismissed*  
43     Defendant 181: wsreplicas.com  
44     Defendant 182: yeahlvwallets.com